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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

UNITED STATES OF AMERICA,

Plaintiff,

v.

FRANK RAY BERRIS,

Defendant.

Criminal No. 24-CR-34-KHR

**UNITED STATES' *SECOND* NOTICE OF INTENT TO PROCEED UNDER
FEDERAL RULES OF EVIDENCE 902(11), 902(13) AND 803(6)**

COMES NOW the United States of America, by and through Stephanie I. Sprecher and Mackenzie R. Morrison, Assistant United States Attorneys, and hereby files this *second* notice of its intent to proceed under Federal Rules of Evidence 902(11), 902(13) and 803(6) in respect to certain evidence.

Federal Rules of Evidence, Rule 803, states: “the following are not excluded by the rule against hearsay, regardless of whether the declarant is available as a witness:”

(6) Records of regularly conducted activity. Provides a record of an act, event, condition, opinion, or diagnosis if:

(A) the record was made at or near the time by--or from information transmitted by--someone with knowledge;

(B) the record was kept in the course of a regularly conducted activity of a business, organization, occupation, or calling, whether or not for profit;
(C) making the record was a regular practice of that activity;
(D) all these conditions are shown by the testimony of the custodian or another qualified witness, or by a certification that complies with Rule 902(11) . . .

Rule 902 (11) of the Federal Rules of Evidence provides that domestic records of regularly conducted activity may be certified in advance of trial by the respective custodians of record.

Rule 902(13) of the Federal Rules of Evidence provides that records generated by electronic process or system that produces an accurate result as shown by a certification of a qualified person that complies to the certification requirements of Rule 902(11) may be certified in advance by a respective custodian.

The certifications attached as Exhibit meets the requirements of Rule 902(11). The certifications will facilitate the trial proceedings by alleviating the need for a custodian to testify regarding the authenticity of the record. The United States acknowledges the certification does not extend to the relevance or other evidentiary requirements this record may have as evidence in the trial of this matter.

The United States has obtained the following certifications:

1. St. Clair County Sheriff Department, St. Clair County, Illinois, for Inmate Booking Finger Prints in the name of Frank R. Berris, booking date June 15, 2008.
2. Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), for the forfeiture claim for firearms and ammunition in the name of Frank Ray Berris, dated March 12, 2024.

WHEREFORE, the United State respectfully gives its notice of intent to proceed Federal Rule of Evidence 902(11), 902(13) and 803(6).

NICHOLAS VASSALLO
United States Attorney

DATED this 25th day of April, 2024.

Respectfully Submitted,
NICHOLAS VASSALLO
United States Attorney

By: /s/ Stephanie I. Sprecher
STEPHANIE I. SPRECHER
Assistant United States Attorney

By: /s/ Mackenzie R. Morrison
MACKENZIE R. MORRISON
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of April, 2024, the foregoing was electronically filed and consequently served on defense counsel and upon:

Frank Ray Berris, #98100-510
C/O Scotts Bluff Detention Center
2522 7th Street
Gering, NE 69341

/s/ Lisa Wait
For the United States Attorney's Office